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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,867	09/09/2003	Kang-wook Park	SAM-0460	2097
7590	01/25/2006		EXAMINER	
Steven M. Mills MILLS & ONELLO LLP Suite 605 Eleven Beacon Street Boston, MA 02108			LEWIS, MONICA	
			ART UNIT	PAPER NUMBER
			2822	
			DATE MAILED: 01/25/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/657,867	PARK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Monica Lewis	2822	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 07 November 2005.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-28 is/are pending in the application.  
 4a) Of the above claim(s) 11-20 is/are withdrawn from consideration.  
 5) Claim(s) 21-28 is/are allowed.  
 6) Claim(s) 1-9 is/are rejected.  
 7) Claim(s) 10 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 09 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. This action is in response to the request for continued examination filed November 7, 2005.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/7/05 has been entered.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 and 6 are rejected under 35 U.S.C. 103(a) as obvious over Ryum et al. (U.S. Publication No. 2002/0058388) in view of Arai (U.S. Publication No. 2004/023526).

In regards to claim 1, Ryum et al. (“Ryum”) discloses the following:

- a) a semiconductor substrate (1) of a first conductivity type (For Example: See Figure 3a);
- b) a collector region (11) of a second conductivity type, which is defined by isolation regions (17) on the semiconductor substrate (For Example: See Figure 3a);

c) a first base (21b) semiconductor layer of the first conductivity type formed of a silicon germanium (SiGe) layer, which extends across the upper surface of the collector region to the upper surface of the isolation regions (Note: Although the prior art does not specifically disclose extends from the upper surface of the collector region to the upper surface of the isolation regions, it does disclose the base layer and isolation layer at the same level as disclosed in Applicants invention. The base layer "extends" from both layers as disclosed in Applicant's invention.) (For Example: See Figure 3a);

d) an emitter region (35) of the second conductivity type formed on the first base semiconductor layer to contact the first base semiconductor layer in a region which is defined by emitter insulating layers (37) formed on the first base semiconductor layer (For Example: See Figure 3a and Figure 3c);

e) second base semiconductor layers (21a) of the first conductivity type formed of a silicon layer, which is formed on the portions of the first base semiconductor layer except for the portions having the emitter region and the emitter insulating layers, wherein the second base semiconductor layers are different than the emitter region and the emitter insulating layers (For Example: See Figure 3a);

f) an emitter electrode (39) formed on the emitter region (For Example: See Figure 3c); and

g) base electrodes (29) formed on the second base semiconductor layers at both sides of the emitter electrode (For Example: See Figure 3b).

In regards to claim 1, Ryum fails to disclose the following:

a) a base ohmic layers formed on the second base layers.

However, Arai discloses the use of a base ohmic layer (15) on base layer (14B) (For Example: See Figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor of Ryum to include the use of a base ohmic layer on base layer as disclosed in Arai because it aids in reducing base resistance (For Example: See Paragraph 90).

Additionally, since Ryum and Arai are both from the same field of endeavor, the purpose disclosed by Arai would have been recognized in the pertinent art of Ryum.

In regards to claim 2, Ryum fails to disclose the following:

- a) the second base semiconductor layers are formed of an epitaxial growing layer.

Finally, the following limitation makes it a product by process claim: a) "second base semiconductor layers are formed of an epitaxial growing layer." The MPEP § 2113, states, "Even though product -by[-] process claims are limited by and defined by the process, determination of patentability is based upon the product itself. The patentability of a product does not depend on its method of production. If the product in product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product is made by a different process." *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985)(citations omitted).

A "*product by process*" claim is directed to the product *per se*, no matter how actually made, *In re Hirao and Sato et al.*, 190 USPQ 15 at 17 (CCPA 1976) (footnote 3). See also *In re Brown and Saffer*, 173 USPQ 685 (CCPA 1972); *In re Luck and Gainer*, 177 USPQ 523 (CCPA 1973); *In re Fessmann*, 180 USPQ 324 (CCPA 1974); and *In re Marosi et al.*, 218 USPQ 289 (CAFC 1983) final product *per se* which must be determined in a "*product by, all of*" claim, and not the patentability of the process, and that an old or obvious product, whether claimed in "*product by process*" claims or not. Note that Applicant has the burden of proof in such cases, as the above caselaw makes clear.

In regards to claim 3, Ryum discloses the following:

- a) the first conductivity type is p type and the second conductivity type is n-type (For Example: See Figure 3).

In regards to claim 6, Ryum fails to disclose the following:

- a) a base ohmic layers are formed of metal silicide.

However, Arai discloses the use of a base ohmic layer (15) made of metal silicide (For Example: See Paragraph 80). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor of Ryum to include the use of a base ohmic layer made of metal silicide as disclosed in Arai because it aids in reducing base resistance (For Example: See Paragraph 90).

Additionally, since Ryum and Arai are both from the same field of endeavor, the purpose disclosed by Arai would have been recognized in the pertinent art of Ryum.

4. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as obvious over Ryum et al. (U.S. Publication No. 2002/0058388) in view of Arai (U.S. Publication No. 2004/023526) and Kameyama (U.S. Patent No. 5,183,768).

In regards to claim 4, Ryum fails to disclose the following:

a) first selectively ion implanted collector (SIC) regions of the second conductivity type, which are formed at portions near the surface of the collector region and adjacent to the isolation regions.

However, Kameyama et al. ("Kameyama") discloses the use of a SIC region of a second conductivity type (120A) which are formed at portions near the surface of the collector region (104) and adjacent to the isolation regions (106) (For Example: See Figure 4d). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor of Ryum to include the use of a SIC region as disclosed in Kameyama because it aids in improving the speed of the transistor (For Example: See Column 1 Lines 32-37).

Additionally, since Ryum and Kameyama are both from the same field of endeavor, the purpose disclosed by Kameyama would have been recognized in the pertinent art of Ryum.

In regards to claim 5, Ryum fails to disclose the following:

a) a second SIC region of the second conductivity type, which is formed in a portion of the collector region under the emitter region.

However, Kameyama discloses the use of a second SIC region (120B) of a second conductivity type formed in a portion of the collector region under the emitter region (140A) (For Example: See Figure 4d). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor of Ryum to include the use of a SIC region as disclosed in Kameyama because it aids in improving the speed of the transistor (For Example: See Column 1 Lines 32-37).

Additionally, since Ryum and Kameyama are both from the same field of endeavor, the purpose disclosed by Kameyama would have been recognized in the pertinent art of Ryum.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as obvious over Ryum et al. (U.S. Publication No. 2002/0058388) in view of Arai (U.S. Publication No. 2004/023526) and Josquin (U.S. Patent No. 5,023,192).

In regards to claim 7, Ryum fails to disclose the following:

a) the base ohmic layers are formed of one of titanium silicide and cobalt silicide.

However, Josquin et al. (“Josquin”) discloses the use of base ohmic layers formed of one of titanium silicide and cobalt silicide (For Example: See Column 7 Lines 52-54). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor of Ryum to include the use of titanium silicide and cobalt silicide as disclosed in Josquin because it aids in improving ohmic contact (For Example: See Column 7 Lines 52-54).

Additionally, since Ryum and Josquin are both from the same field of endeavor, the purpose disclosed by Josquin would have been recognized in the pertinent art of Ryum.

6. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as obvious over Ryum et al. (U.S. Publication No. 2002/0058388) in view of Arai (U.S. Publication No. 2004/023526) and Ryum et al. (U.S. Patent No. 5,798,277).

In regards to claim 8, Ryum fails to disclose the following:

a) insulating layers formed between the isolation regions and the first base semiconductor layer, under the base electrodes.

However, Ryum et al. ("Ryum") discloses the use of insulating layers (12 and 13) formed between the isolation regions (3) and the first base semiconductor layer (19), under the base electrodes (For Example: See Figure 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor of Ryum to include the use of insulating layers as disclosed in Ryum because it aids in enhancing the reliability of the device (For Example: See Column 6 Lines 16-20).

Additionally, since Ryum and Ryum are both from the same field of endeavor, the purpose disclosed by Ryum would have been recognized in the pertinent art of Ryum.

In regards to claim 9, Ryum fails to disclose the following:

a) insulating layers are formed of one of oxide layers and nitride layers.

However, Ryum discloses the use of oxide and nitride layers (For Example: See Column 6 Lines 16-20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor of Ryum to include the use of oxide and nitride layers as disclosed in Ryum because it aids in enhancing the reliability of the device (For Example: See Column 6 Lines 16-20).

Additionally, since Ryum and Ryum are both from the same field of endeavor, the purpose disclosed by Ryum would have been recognized in the pertinent art of Ryum.

***Response to Arguments***

7. Applicant's arguments filed 5/6/05 have been fully considered but they are not persuasive. Applicant argues that Ryum "fails to teach or suggest that a bipolar transistor includes second base semiconductor layers that are different layers than the emitter region and emitter insulating layers...thus the emitter layer inside the emitter region is the same layer as the emitter layer outside the emitter region that is ion implanted." However, Ryum discloses that the second base semiconductor layers (21a) is a P++ type and the emitter region is intrinsic (For Example: See Paragraph 18). Therefore, they are different layers because one is heavily doped and the other is intrinsic. Finally, different layers does not require separate and distinct layers. Different Layers encompasses the differently doped and spaced apart regions of a single layer, that is separate portions of a single layer that are doped differently or processed differently can be considered different layers.

***Allowable Subject Matter***

8. Claims 21-28 are allowed.

9. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica Lewis whose telephone number is 571-272-1838.

Art Unit: 2822

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zandra Smith can be reached on 571-272-2429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for regular and after final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

ML

January 23, 2006

A handwritten signature in black ink, appearing to read "ML".